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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fourth session

SUMMARY RECORD OF THE 1325th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 15 March 1999, at 3 p.m.

Chairman: Mr. ABOUL-NASR

later: Mr. YUTZIS
later: Mr. ABOUL-NASR

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GE.99-40905 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Thirteenth and fourteenth periodic reports of Kuwait (CERD/C/299/Add.16 and Corr.1)

1. At the invitation of the Chairman, the members of the delegation of Kuwait took places at the Committee table.

Mr. RAZZOOOI (Kuwait) affirmed his country's commitment to the eliminaton of all forms of racism and racial discrimination and its policy of promoting the equality of all members of society and guaranteeing all their rights and freedoms. Article 29 of the Constitution provided that all people were equal in human dignity and in public rights and duties before the law, without distinction as to race, origin or language. Kuwait had been one of the first countries to accede to the Convention and had made the Universal Declaration of Human Rights a cornerstone of its policy and practice in the area of human rights. Kuwait had also been prominent in committees on embargoes against South Africa during the apartheid period.

3. The fourteenth report (CERD/C/299/Add.16 and Corr.1) dealt mainly with measures taken under articles 2 to 7 of the Convention. With regard to nationality, he drew attention to the developments referred to in paragraphs 15 and 16 of the report and to the establishment of an Executive Committee on illegal residents in the country and the fact that State policy on the illegal residents known as bidoon, was beginning to bear fruit, as was exemplified by Decree No. 60/1997 granting Kuwaiti nationality to the children of martyrs killed during the Iraqi invasion and occupation of Kuwait. He likewise drew attention to the measures taken for the protection of foreign labour, particularly domestic servants, described in the report (para. 31). He observed that, under article 70 of the Constitution, the international human rights instruments to which Kuwait had acceded had the same status as domestic legislation and were binding on all the competent authorities. The International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR) continued to monitor the conditions of detention and treatment of detainees. He recalled that the National Assembly had established a Committee for the Defence of Human Rights to monitor human rights issues (para. 33).

4. His Government had taken a number of new measures and initiatives since submitting its fourteenth periodic report. With regard to nationality, under Amiral Decree No. 11/1998 Kuwaiti nationality would be granted to children who had attained their majority by the time their father had acquired Kuwaiti nationality. The same applied to adult grandsons and granddaughters through the male line. Under Decree No. 202/1997, Kuwaiti nationality had been granted to the children of certain widows of bidoon, in an attempt to solve some of the pending issues of illegal residents. In order to regulate the situation of foreign workers, Kuwait had concluded bilateral agreements with Indonesia, the Islamic Republic of Iran, Morocco and the Philippines. In 1998, Kuwait had become a party to the International Convention against Apartheid in Sports.

5. In 1995, Kuwaitis had numbered 655,820 - 41.6 per cent of the total population of 1,575,983 - while the remaining 920,163 were non-Kuwaitis. The next census would be conducted in the year 2000. Kuwait ensured that both sections of the population enjoyed security, stability and a decent lifestyle. It also provided free or low-cost health services to Kuwaitis and non-Kuwaitis alike: in 1997, around US$ 416 million had been spent on health services for Kuwaitis and around US$ 479 million on health services for non-Kuwaitis. Education and training was also offered to all on an equal basis as could be seen from an annex to the report, on student enrolment; all had the right of access to any public place or service. The right of recourse to the courts was guaranteed by article 166 of the Constitution.

6. In February 1999, the last remaining Jordanians imprisoned for collaboration with the Iraqi occupation authorities had been released.

7. Lastly, he drew Committee members' attention to the violations of the articles of the Convention that had taken place during the Iraqi occupation of Kuwait and discrimination against Kuwaiti prisoners of war in Iraq, who must be released. The Convention must be seen in conjunction with other human rights conventions and international humanitarian law.

8. Mr. YUTZIS (Country Rapporteur) said the large number of representatives in the Kuwaiti delegation was a sign of how seriously the State party took the implementation of the Convention. He complimented the Kuwaiti Government on the regularity of its reports. Referring to Mr. Razzooqi's closing remarks, he said that, in its concluding observations concerning Kuwait's previous report, the Committee had recognized the difficulties that Iraq's occupation had entailed for implementation of the Convention in Kuwait. Iraq's compliance with the Convention should be considered when it submitted its own report.

9. He commended the State party on the progress it had made in the areas of nationality (report, paras. 15 to 17) and the status of foreign labour (para. 31). He also welcomed the establishment of the committees on the bidoon and on the defence of human rights, and the abolition of the State Security Court (para. 53). He noted that proportionately more was being spent on health services for non-Kuwaitis than for Kuwaitis.

10. He was concerned, however, that the Government's report referred back to the legal review contained in the previous report (CERD/C/226/Add.5), which had stated that racial discrimination was non-existent in Kuwait and that therefore no direct legislation had been enacted to deal with the phenomenon. The Committee, in its concluding observations, had recommended that Kuwait should revise the Penal Code in order to introduce specific legislation to implement the provisions of article 4 of the Convention (A/48/18, para. 380). If Kuwait maintained its position it would not be complying with all the provisions of the Convention. With regard to article 4 of the Convention, he inquired about the proposed amendments to Kuwait's Penal Code, as described in paragraph 33 (c) of the report, and asked how the new provisions related to non-citizens.

12. In response to the Committee's recommendation that the State party should include demographic information about, in particular, the status of

non-Kuwaiti residents, paragraph 47 merely referred the Committee back to the previous report, which had not given such information either. Referring again to the concluding observations, he noted that naturalized persons had now had been granted the right to vote in national and municipal elections, but he wondered about the status of working people, particularly the unskilled, who in 1996 reportedly numbered about 850,000. Many of them - from Bangladesh, India, the Philippines and Sri Lanka - were in domestic service and, according to information he had received, many were under the age of 18 and had entered the country on false documents.

13. Paragraph 31 of the report listed a number of formal measures to provide foreign workers with legal protection. He would like to know, in addition, what specific measures derived from agreements Kuwait had already signed and what specific measures arose from what had been referred to as the "regulation" of the situation of foreign labour in Kuwait. In both those cases, he asked what laws protected the recruitment of domestic workers, and specifically what type and length of contract they were offered; what the minimum legal wage was and how it was regulated; what health insurance they were offered - particularly in the light of the US$ 476 million spent on health services for non-Kuwaitis; how many such workers were legal and how many illegal; why foreign workers were able to become union members only after five years and why they had no voting rights even then; and how the exploitation of minors was prevented. He also asked what rights adult immigrant workers and their children had to education.

14. The situation of the bidoon (stateless persons) residing in Kuwait was said to be a primary concern of the authorities (paras. 17 to 23), yet despite the promulgation of Decree No. 221/1993 aimed at dealing with their affairs, their situation remained unclear.

15. According to information he had received from various sources, in preparation for the independence of Kuwait - between 1959 and 1960 - one third of residents had obtained citizenship, one third partial citizenship and the remainder had received only certificates declaring them without citizenship, but had been told they were being considered for citizenship. What had happened with the bidoon at that juncture? Many were in fact nomads and they had been unable to obtain citizenship directly because article 1 of the Kuwaiti Nationality Law of 1959 granted citizenship to those who had settled in Kuwait prior to 1920 and to their descendants through the paternal line - they were first-class citizens. There was also a second class of citizens who had arrived after 1920 and had been naturalized under other clauses, but could also lose citizenship. Because of of the bidoon's largely nomadic characteristics, they came within article 25 (d) of a previous version of the Nationality Law which exempted nomads from the need for entry visas and residence permits, allowing them to enter and leave the country at will. That article had later been abolished, and the bidoon who had settled in Kuwait had found themselves undocumented and with no specific nationality. As he interpreted it, they had been unable to obtain citizenship since they had not been able to prove residency. After 1959, bidoon were issued with temporary special travel documents, and were eligible for employment and government services such as health, education and welfare. Many bidoon had worked in the police and the armed forces. However, in 1985 the Government had initiated a policy restricting eligibility for travel documents, and in 1986 public and

private sector employees had all been obliged to produce valid passports, with the result that between 1988 and 1990 thousands of bidoon were dismissed from their jobs.

16. During the Iraqi occupation of Kuwait, bidoon, having no valid passports, had been unable to enter Saudi Arabia and had escaped to Iraq which had allowed them free transit over the borders, but at the end of the war thousands of those stateless persons had remained stranded outside Kuwait and had been refused re-entry. That had still been the case in 1995; could the delegation elaborate on the current situation? What was the current status of the bidoon? How many citizenship applications had been considered and how many identity cards had been issued? How many bidoon were estimated to be living in Kuwait? How many people were currently in deportation centres, and how many of them were bidoon? For how long were they detained without judicial or other proceedings.

17. What measures had been taken to guarantee the rights of the bidoon in such areas as work, health and education, which were all aspects related to article 5 of the Convention? What measures were being taken or considered to avoid situations in which the child of a Kuwaiti woman and a bidoon man was considered stateless, since nationality was only transmitted by the father? How many people were in that situation? Decree No. 60/1997 (para. 23) granted nationality to one category of those children, and he understood that 300 children of Kuwaiti mothers and non-Kuwaiti fathers had been naturalized; but how many remained with no nationality?

18. What legislation was in force with regard to refugees and asylum seekers? What were the procedures for processing requests for refugee status? Certain persons requesting asylum were held in the Talha detention centre; what were the conditions of their detention? How many refugees were there in Kuwait? According to UNHCR, there were around 25,000, including 15,000 Iraqis or persons of Iraqi origin, 8,000 Palestinians and 2,000 Somalis. What specific legal, administrative or other measures had Kuwait taken to regularize the status of those persons and to ensure them adequate conditions of health and education?

19. He asked what practical measures had been taken to implement the provisions of article 7 of the Convention, particularly with regard to the training of law enforcement officers, in the protection of human rights, in conformity with the Committee's General Recommendation XIII and the concerns it had expressed in its concluding observations on Kuwait's previous report.

20. Mr. VALENCIA RODRIGUEZ welcomed the fact that the current report had been drawn up in accordance with the Committee's guidelines and in response to its questions and observations on previous reports. It should be read in conjunction with former reports, since it was only an update, but the Government had provided more comprehensive information in annexes. A firm rejection of all forms of racial discrimination was a pillar of Kuwaiti policy, reflected in its legislation and its administrative and judicial practice, and was a basic value of Kuwaiti society.

21. With regard to the amendment to article 7 of the Nationality Act, recognizing Kuwaiti nationality for children born after their father had

acquired Kuwaiti nationality, he observed that naturalized persons acquired all the rights and obligations pertaining to citizenship and that their children ought therefore to obtain the nationality of the parent without any need for specific legal provisions. What would be the situation of children born before the naturalization of their father but still minors at the time of naturalization of their father, if he wished them also to be recognized as Kuwaiti citizens? The amendment to the Act implied that previously there had been, in practice, a discriminatory policy towards the children of naturalized persons. Although it was not specifically within the purview of the Committee, it should be noted that there was a marked distinction between naturalized fathers and mothers; what would be the situation of children of a naturalized mother?

22. Paragraph 16 mentioned amendments granting naturalized persons the right to vote. That right, too, was normally inherent in citizenship, but it appeared from the amendments that that had not previously been the case, from which it followed that discrimination against naturalized persons had existed with regard to voting.

23. He welcomed the measures taken to regulate the situation of illegal residents, particularly through the creation of a Central Committee. More information was needed on the results of such measures, since the Committee was in favour of resolving the situation of illegal residents through legislative and administrative measures which recognized both the rights of the State to admit foreigners and the fundamental human rights which every human being should enjoy. He welcomed the explanation of the term bidoon and the information provided on the actions of the bidoon during the Iraqi occupation of Kuwait. It was gratifying to note that measures had been taken with regard to foreign workers, particularly domestic workers, since that had been one of the Committee's concerns. It hoped to receive more information about progress in that field, particularly given the statement in paragraph 32 that the State studied and took into consideration the comments made by the international humanitarian and other organizations with which it cooperated.

24. With regard to implementation of article 4 of the Convention, he asked what stage the bill amending various provisions of the Kuwaiti Penal Code (para. 33 (c)) had reached; the changes should bring Kuwaiti legislation more into line with the requirements of article 4.

25. Noting with satisfaction Kuwait's accession to many international human rights instruments and that international treaties to which Kuwait was party had the same status as domestic law and were binding on all authorities, he asked whether it was also possible to invoke them before the courts.

26. There had apparently been no court cases during the period covered by the report, but he trusted that the Government would inform the Committee of any future cases. He welcomed the news that the State Security Court had been abolished and that the cases previously within its competence had passed to the jurisdiction of ordinary courts.

27. He commended the measures taken, both directly by the State and through encouragement to private initiatives, to assist in the economic and social development of other countries, particularly those in the region, which

reflected a policy of promoting cooperation and international understanding. He hoped for a prompt end to the unfortunate consequences of the invasion by Iraq which had constituted violations of the Convention and humanitarian law.

28. Mr. SHERIFIS extended a particular welcome to the head of the delegation, a former member of the Committee. Kuwait's regular reporting and the size of its delegation testified to Kuwait's desire to maintain a positive dialogue with the Committee. He recognized Kuwait's anti-apartheid stance but drew the delegation's attention to the Committee's broader interpretation of article 3 of the Convention in its General Recommendation XIX (95), particularly paragraph 3 on racial segregation, and its invitation to States parties to monitor all such trends, to work for the eradication of any negative consequences and to describe any such action in their periodic reports. He hoped that the State party would take account of those comments in its future reports, particularly in the light of its stated willingness to act on its dialogue with the Committee.

29. He asked whether Kuwait had initiated the procedure for ratification of the amendment to article 8, paragraph 6 of the Convention; if not, he suggested that it did so. He also asked whether it might consider making the optional declaration under article 14.

30. As a result of the invasion of Kuwait there had been many refugees and displaced persons in the country. Drawing attention to the Committee's General Recommendation XXII (96), he asked whether there were still persons who had been unable to return to their homes in Kuwait and whether all those who had returned had had their property restored to them or received appropriate compensation.

31. He welcomed Kuwait's rejection of racial discrimination and segregation (para. 12) and the proposed addition of two articles to Act No. 16 of 1960 (para. 33 (c)), bringing legislation into closer conformity with article 4. With regard to implementation of article 7, the report simply referred back to the twelfth report.

32. He asked whether the goals, objectives and contents of the Convention and the contents of the reports submitted to the Committee were publicized in Kuwait and whether the comments of members of the Committee and the concluding observations were published. Had Kuwait established or considered establishing a national institution to facilitate implementation of the Convention pursuant to General Recommendation XVII (93)? If not, he hoped it would consider establishing such an institution. He looked forward to further information, either orally or in the next report.

33. Mr. NOBEL said that some necessary information was missing from the report. Regarding specifically the demographic composition of the country, the World Directory of Minorities reported that Kuwaitis did not account for a large percentage of the overall population, which contained many other groups; it would be useful to have a population breakdown.

34. Clarification was needed, for instance, of the status of the bidoon, whether they maintained a nomadic lifestyle and whether there were elements of Beduin among them. Amnesty International had reported in its previous annual

report that a parliamentary committee had been created to look into the legal situation of the more than 100,000 stateless persons belonging to so-called bidoon society, and that the bidoon population was growing, to the extent that bidoons would number 200,000 by the year 2006. In his report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1997/71/Add.2), the Special Rapporteur of the Commission on Human Rights had concluded that the question of the bidoon should be settled once and for all in an equitable and humane fashion and that such persons should be guaranteed access to social services (paras. 68 and 69 (a)).

35. The report was encouraging, relating as it did the significant efforts to resolve the problems of discrimination. Many committees and institutions were being established, but the Committee would like to know what they had achieved in practice and what the results had been at the grass-roots level for those affected by discrimination. What were the prospects for the future work of those institutions?

36. Paragraph 18 of the fourteenth periodic report said that in 1993 a Central Committee had been established, but that it had been replaced in 1996 by the Executive Committee. Why had the Central Committee been disbanded? Had it failed to achieve its objectives? What action had been taken since then?

37. Paragraph 20 referred to the issue of cards, presumably identity cards. How many had been issued and to whom? What conditions had to be met to be eligible for such a document, and what was the situation of those who did not have one?

38. Paragraph 21 was not sufficiently explicit: it would be useful to know the number of cases dealt with by the subcommittees of the Executive Committee and how many were still pending. Concerning paragraph 22, the Committee would like more specific information on how the Executive Committee was endeavouring to solve the problem of illegal residents.

39. Regarding the issue of domestic servants, it was encouraging that a Department had been established to monitor labour questions and to intervene to settle disputes between employers and employees (para. 31 (e)). How many cases had been filed with that agency, and how had they been settled? Was it really possible for any domestic employee to have recourse to such a remedy?

40. Mr. Yutzis took the Chair.

41. Mr. de GOUTTES said that, after difficult years following the invasion of Kuwait by Iraq and the resulting obstacles to full implementation of the Convention, the Committee had awaited Kuwait's latest report with particular interest, but the fourteenth report had been somewhat disappointing and had not supplied sufficient information on at least two fundamental points. On demographic composition, the reference in paragraph 47 to the twelfth report was not helpful, because that report had not contained any specific demographic data either. It was to be hoped that the next census would enable the delegation to provide more information. On the implementation of articles 2 to 7 of the Convention, paragraph 49 likewise mentioned the 1993 report, yet the information therein was over five years old. In August 1996 the Committee

had already requested information on measures taken to protect vulnerable groups of foreigners, in particular Palestinians, stateless Arabs, Iraqis and nationals from countries which had not been part of the anti-Iraq coalition, as well as on the treatment of national and foreign domestic workers.

42. He sought further details on the three positive initiatives mentioned in paragraph 33: the establishment of a Committee for the Defence of Human Rights; the formation of a working group to look into human rights issues; and the tabling of a bill amending various provisions of the Penal Code through the addition of two articles, one prohibiting incitement to, or acts of, discrimination and the other stipulating that such discrimination was a punishable offence for any public official. What had been the impact of those initiatives on the fight against racial and ethnic discrimination?

43. Mrs. ZOU said that paragraph 10 (b) of the country report acknowledged that the Committee required further demographic data, but the report did not contain any such information. In his oral introduction, however, the representative of Kuwait had himself given several figures, from which it emerged that there were more non-Kuwaitis than Kuwaitis living in the country. What was the percentage of different groups among non-Kuwaitis?

44. Paragraphs 24 to 30 discussed the status of women, but it was not clear to her whether women had the right to vote. In the introduction to the 1993 country report, the Kuwaiti delegation had stated that the Kuwaiti Government had been considering giving women that right. As far as she knew, in the past Kuwaiti women had not been allowed to own property. Was that still the case?

45. In paragraph 23, it was stated that children of martyrs classified as bidoon could acquire Kuwaiti nationality. Given that applications were decided on a case-by-case basis (para. 21), how many persons had actually been granted Kuwaiti citizenship?

46. What was the current situation of foreign women domestic servants, a particularly vulnerable group, with regard to their language, culture and religion? For example, could women workers from the Philippines, many of whom were Catholic, attend services in a Catholic church? There had been media reports that many of those women were discriminated against or even persecuted. How many such cases had come to the courts, and what judgements had been handed down? Were the children of foreign workers residing in Kuwait entitled to equal treatment in schools?

47. The fourteenth report contained many gaps, for instance on implementation of articles 4, 6 and 7 of the Convention. It was to be hoped that Kuwait's next report would be prepared in accordance with the Committee's guidelines.

48. Mr. DIACONU said that it was encouraging to learn about the new legislation passed in Kuwait to implement the Convention. Given that the number of foreigners living in Kuwait exceeded the total population of Kuwaitis, measures to prevent racial discrimination were of the utmost importance. According to paragraph 20, the question of rectifying the situation of illegal residents was to be resolved case by case, and criteria had been adopted for that purpose. What were those criteria?

49. Concerning article 4, he noted that the Constitution declared equality for all before the law without distinction of race, origin or language. That presumably included ethnic origin, which would thus meet the requirements of the Convention. But in the Penal Code, there was no specific provision prohibiting acts of racial discrimination as required under article 4. Likewise, he saw that legislation prohibited associations from intervening in religious or political conflicts or provoking discord or sectarianism. He was not sure whether that covered the provisions of the Convention concerning organizations which promoted or incited racial discrimination. In any case, Kuwaiti law did not prohibit the actual existence of such organizations and hence did not comply with the requirements under article 4.

50. He noted with interest that Kuwait had ratified 114 conventions relating to labour rights, more than most other States, and that was to be commended. Did that list include ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, as well as those on trade-union rights and on collective agreements?

51. He welcomed the bilateral agreements which Kuwait had concluded with the countries of origins of many of the immigrant workers. But the report was silent on the Palestinians. During the discussion of the twelfth periodic report, the Committee had noted that the majority of foreign workers in Kuwait were Palestinians. Why had no agreement been concluded with the Palestinian Authority to protect their labour rights? Could information be provided on the situation of Palestinian workers in Kuwait with regard to such rights as the right to work, to health care and to education?

52. Mrs. SADIQ ALI said that, according to reports, Iraq had granted an amnesty to all Arab prisoners in Iraq. Kuwait and other sources claimed that there were still Kuwaiti prisoners of war in Iraq. What was their position, or had they been released?

53. She asked what Kuwait's response had been to the findings and recommendations of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance concerning migrant workers, in particular domestic workers of Indian, Sri Lankan, Bangladeshi and Philippine origin, whose rights were denied and on the bidoon, stateless persons and illegal residents.

54. Regarding paragraph 31 (f), how did the agreements drawn up with a number of labour-exporting States protect the rights of workers from those countries?

55. Mr. GARVALOV said that the report had not been prepared in accordance with the Committee's guidelines and thus gave the impression that no specific data had been provided on implementation of articles 2 to 7.

56. It emerged from the report that the problem of the bidoon had not been entirely resolved. On that issue, the 1997 World Directory of Minorities of the Minority Rights Group International alleged that the bidoon had been accused of collaborating with the Iraqis during the Gulf war, that many had been tortured or executed or had "disappeared", that Kuwait was attempting to

expel them, including those serving in the armed forces, and that private schools had been ordered not to accept bidoon children. Could the Kuwaiti delegation provide some clarification on those allegations?

57. The Minority Rights Group International also maintained that the 25,000 Palestinians currently in Kuwait (400,000 prior to the Gulf war) were denied civil rights and the right of domicile. Could the Kuwaiti delegation comment on that assertion?

58. With regard to women, the fourteenth report failed to answer questions raised during consideration of Kuwait's twelfth periodic report about whether women working in Kuwait as domestic servants, who were mainly of Asian origin, had been the victims of racial discrimination; he hoped that further information could be provided.

59. The Committee would like to know whether the Convention could be invoked directly before a court of law or whether that required the adoption of special legislation.

60. The report failed to provide data on the demographic composition of the Kuwaiti population and on whether Kuwait still maintained its earlier position that there was no racial discrimination in the country.

61. Mr. Aboul-Nasr resumed the Chair.

62. Mr. van BOVEN said that the impressive size and status of the delegation made it easier for the Committee to enter into a meaningful dialogue with the State party.

63. The Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had drawn attention in document E/CN.4/1997/71/Add.2 to the heavy dependence of the Kuwaiti economy on foreign labour, and to the fact that the 850,000 or so unskilled workers from Bangladesh, India, the Philippines and Sri Lanka who were employed primarily in homes, by cleaning firms and in the petroleum industry, experienced the greatest number of problems, in the form of ill-treatment, non-payment of wages or sexual abuse. There had been no legislation governing the recruitment of domestic workers when the Special Rapporteur had visited the country in late 1996. However, paragraph 31 of the Kuwaiti report described recent measures aimed at improving the situation of domestic workers. Ministerial Ordinance No. 115 of 1996 had promulgated statutes regulating private recruitment agencies, which often earned huge profits from trafficking in workers. Could he take it, therefore, that the Special Rapporteur's findings were no longer applicable? The situation of domestic workers must be closely monitored because they were exposed to an aggravated form of discrimination involving both racial discrimination and gender issues. He asked the delegation to inform the Committee of the gist of annex 8 to the report containing Kuwait's reply to a complaint concerning domestic workers submitted by a Philippine organization in Australia to the Centre for Human Rights in Geneva. He would also welcome more detailed information, perhaps in the next periodic report, on the Department to Regulate Recruitment Agencies, referred to in paragraph 31 (e) of the report.

64. The Special Rapporteur had recommended that priority should be given to finding a definitive, humane and equitable solution to the problem of the bidoon, some of whom appeared to be stateless in their own country, and to guaranteeing them access to social services. The International Labour Organization (ILO) had requested the Government to provide information on measures taken to implement the Special Rapporteur's recommendation and the Committee hoped to be informed of such action in Kuwait's next periodic report.

65. While he welcomed Kuwait's replies in Part III of the report to the comments and questions of members of the Committee, he would have appreciated a more detailed response to the Committee's concluding observations on Kuwait's previous report. For example, more concrete information was needed on action to eliminate discrimination deriving from the dual system of citizenship. The Committee had also recommended that the Penal Code should be revised in order to introduce specific legislation to implement the provisions of article 4 of the Convention in accordance with the Committee's General Recommendations VIII and XIV. The bill amending the Penal Code referred to in paragraph 33 (c) of the report prohibited incitement to discrimination on a number of grounds that did not include race. It also referred only to citizens although non-citizens were more vulnerable to acts of discrimination. A second proposed amendment made it a punishable offence for any public official to fail to respect the full equality of the persons with whom he dealt, provided that their circumstances and legal status were similar. He asked for clarification of the meaning of the phrase beginning "provided that" and pointed out that discrimination by private persons should also be prohibited in accordance with article 2 of the Convention.

66. The Committee had further recommended that the right of recourse in courts should be guaranteed to victims of discrimination and that law enforcement personnel should be given adequate training in human rights norms in the light of General Recommendation XIII. There had been no follow-up in the report to either of those recommendations.

67. He joined Mr. Sherifis in urging Kuwait to make the declaration under article 14 of the Convention and to ratify the amendment to article 8.

68. The CHAIRMAN, referring to the Committee's request for demographic data, said he had received a document, submitted by Kuwait to the secretariat on 29 January 1999, containing full and impressive statistics.

69. The delegation of Kuwait withdrew.

Draft concluding observations concerning the thirteenth and fourteenth periodic reports of Finland (CERD/C/54/Misc.28/Rev.1; future CERD/C/...)

Paragraphs 1 and 2

70. Paragraphs 1 and 2 were adopted.

Paragraph 3

71. Mr. GARVALOV proposed that the second sentence should be amended to read: "At the regional level, Finland has ratified the Framework Convention of the Council of Europe for the Protection of National Minorities"

72. Paragraph 3, as amended, was adopted.

Paragraphs 4 to 10

73. Paragraphs 4 to 10 were adopted.

Paragraph 11

74. Mr. SHAHI proposed replacing "Romani" by "Roma"

75. Paragraph 11, as amended, was adopted.

Paragraph 12

76. Paragraph 12 was adopted.

Paragraphs 13 and 18

77. Mr. van BOVEN said he was unsure whether the issue raised in paragraph 13 came within the scope of the Convention. He proposed that the paragraph be deleted.

78. Mr. SHERIFIS (Country Rapporteur) said that Finland was one of only 10 Member States of the United Nations that applied a refugee quota system. He would prefer to keep the reference if Mr. van Boven could reword the paragraph in such a way as to establish a link with the Convention.

79. Mr. YUTZIS noted that paragraph 18 dealt with the same subject.

80. Mr. van BOVEN said that once the quota established under a quota system was reached, States tended to refuse any further intake of refugees although there might be good reasons for admitting more.

81. He proposed deleting paragraph 13 and adding the following sentence to paragraph 18: "It is recommended that the quota system be applied without any discrimination based on race or ethnic or national origin."

82. Mr. NOBEL said that the refugees accepted under the quota system were those for whom UNHCR had found it particularly difficult to arrange asylum.

There was a tendency, however, to select particular ethnic groups when choosing refugees to fill the quota. He supported Mr. van Boven's proposal.

83. Mr. SHERIFIS (Country Rapporteur) said he agreed with Mr. van Boven's proposal to delete paragraph 13. He suggested that paragraph 18 be reworded to read: "Efforts should be made to increase the number of quota refugees, without discrimination based on ethnic origin".

84. Mr. DIACONU disagreed with Mr. Sherifis's proposal because it limited the requirement of non-discrimination to any increase in the quota.

85. The CHAIRMAN said he took it that the Committee wished to delete paragraph 13. He suggested that paragraph 18 should be left pending while Mr. van Boven and Mr. Sherifis worked out a mutually acceptable formulation.

86. It was so agreed.

Paragraphs 14 to 16

87. Paragraphs 14 to 16 were adopted.

Paragraph 17

88. The CHAIRMAN suggested inserting the phrase "In accordance with article 5 (f) of the Convention" at the beginning of the paragraph and deleting the phrase "contrary to article 5 (f) of the Convention" at the end.

89. Paragraph 17, as amended, was adopted.

Paragraphs 19 to 22

90. Paragraphs 19 to 22 were adopted.

91. The draft concluding observations concerning the thirteenth and fourteenth periodic reports of Finland as a whole, as amended, were adopted, subject to the rewording of paragraph 18.

The meeting rose at 6 p.m.